

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q105188

Harue NISHIYA, et al.

Appln. No.: 10/575,096

Group Art Unit: 1635

Confirmation No.: 9627

Examiner: Jane J. ZARA

Filed: April 10, 2006

For: PROCESS FOR PRODUCING ANTIBODY COMPOSITION BY USING RNA
INHIBITING THE FUNCTION OF ALPHA1,6-FUCOSYLTRANSFERASE

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on

June 18, 2009:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was mailed July 6, 2009.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: All pending.
3. Identification of art discussed: None
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None
6. Indication of other pertinent matters discussed: None

7. Results of Interview:

Applicants' representative asserted that, contrary to the Examiner's statement at page 2, line 10 of the present Restriction, the Response filed May 29, 2009, was fully responsive to the Restriction Requirement mailed April 1, 2009. Applicants' representative pointed out that the further requirement to elect a single SEQ ID NO. as provided on page 2 of the Restriction Requirement mailed June 12, 2009, was not indicated at all in the Restriction Requirement of April 1, 2009. The Examiner was unable to direct Applicants' representative to where this further restriction was indicated in the Restriction Requirement mailed April 1, 2009. The Examiner explained that the purpose of the Restriction Requirement mailed June 12, 2009, was to clarify the original Restriction Requirement. The Examiner encouraged Applicants to respond in writing to the Restriction Requirement of June 12, 2009, and to elect a single SEQ ID NO. Applicants' representative also expressed concern that the erroneous indication on the PTO IFW that the Office communication mailed June 12, 2009 is a Notice of non-compliant amendment/response may adversely affect Applicants' patent term, and requested withdrawal of the Office communication, or correction of the same to indicate that the present new action is a further Restriction Requirement. The Office agreed and indicated that Applicants' Patent Term Adjustment would not be negatively affected. Correction was made on the PTO IFW.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to

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maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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Date: September 11, 2009